

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 25, 2022

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

GERALD W.,¹

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,²

Defendant.

No. 1:21-cv-03022-JPH

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

ECF Nos. 16, 21

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 21,
requesting remand of the above-captioned matter to the Commissioner for

¹ To protect the privacy of plaintiffs in social security cases, the undersigned
identifies them by only their first names and the initial of their last names. *See*
LCivR 5.2(c).

² Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9,
2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo
Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further
action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

1 additional administrative proceeding pursuant to sentence four of 42 U.S.C. §
2 405(g). Attorney D. James Tree represents Plaintiff. Attorney Franco Becia
3 represents Defendant. The parties have consented to proceed before a magistrate
4 judge. ECF No. 5.

5 After consideration, **IT IS HEREBY ORDERED** that:

6 1. The District Court Executive is directed to substitute Kilolo Kijakazi as
7 the Defendant and update the docket sheet.

8 2. The parties' Stipulated Motion for Remand, **ECF No. 21**, is **GRANTED**.

9 3. The above-captioned case be **REVERSED** and **REMANDED** to the
10 Commissioner of Social Security for further administrative proceeding pursuant to
11 sentence four of 42 U.S.C. § 405(g).

12 The parties have stipulated to the following:

13 On remand, the Appeals Council will instruct the ALJ to:

- 14 • Conduct a new hearing;
- 15 • Further develop the record;
- 16 • Reevaluate and further develop the medical opinion evidence of
17 record with the assistance of a medical expert;
- 18 • Reevaluate steps two and three of the sequential evaluation process;
- 19 • Reevaluate Plaintiff's subjective complaints and Plaintiff's residual
20 functional capacity;

- Reevaluate Plaintiff's RFC pursuant to SSR 96-8p; and
- Continue the sequential evaluation and obtain vocational expert testimony, if necessary; and
- Issue a new decision.

See ECF No. 21 at 2.

3. Judgment shall be entered for **PLAINTIFF**.

4. Plaintiff's Motion for Summary Judgment, **ECF No. 16**, is **STRICKEN AS MOOT**.

5. Upon proper presentation, this Court consider Plaintiff's application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

The District Court Executive is directed to enter this Order, **enter Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

DATED January 25, 2022.

s/James P. Hutton
JAMES P. HUTTON
UNITED STATES MAGISTRATE JUDGE